Live and Active Cultures Seal Program

Procedures and Guidelines

Updated January 2024

Live & Active Cultures

IDFA
International
Dairy Foods Association

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PURPOSE: This document, including appendices, sets forth the rules and procedures for obtaining permission to use the International Dairy Foods Association's (IDFA) "Live and Active Cultures" (LAC) Seal for refrigerated yogurt, frozen yogurt and certain other cultured products containing live and active yogurt cultures. The rules and procedures may be modified from time to time by the IDFA Yogurt and Cultured Segment Board or IDFA staff, as appropriate.

I. ELIGIBILITY

A. Covered Products: Any company that produces and/or distributes refrigerated yogurt, frozen yogurt[1] (hard packed or soft serve mix) or other refrigerated, cultured and fermented dairy-based products containing live and active yogurt cultures[2] in the United States, whether or not a member of IDFA, may apply to use the Seal on product labels or in labeling or advertising. The scope includes all forms of presentation: spoonable, drinkable, squeezable, etc.

B. A separate application must be submitted for each product line for which use of Seal is sought. For the purposes of this program, a "product line" [3] is defined as a particular base formulation (white mass) of a covered product, of a particular type or form, differentiated by factors such as fat level; sugar/sweetener type and level; protein level; type and strains of cultures (including non-yogurt cultures); and any other material difference that has an impact on the culture count and/or activity. All flavor varieties of a particular product line may be covered under the application for that product line, provided that the different flavors do not impact the culture count and/or activity.

As examples, each of the following would be considered a separate product line:

- Whole milk (full fat), plain (unflavored and unsweetened) yogurt
- Whole milk (full fat), flavored yogurt
- Nonfat, sucrose/sugar/fruit concentrate/honey-sweetened yogurt – fruit on the bottom
- Lowfat, high-intensity/non-nutritive sweetened yogurt – fruit on the bottom
- Greek or high protein, sugar-sweetened, nonfat yogurt

C. If a company submits test results for the same product line, as defined in Section I.B., which is sold under more than one brand name, the application must contain a list of all the brand names under which the product is sold.

D. A company that wishes to apply to use the Seal must submit a signed application form with the specified information and applicable fee (if not a member of IDFA), to the

[1] The term "frozen yogurt" refers to dairy-based products containing "yogurt" (as defined in 21 C.F.R. 131.200) that has been produced through fermentation of Grade A milk, and that has not been heat-treated or dehydrated into a powderized form following fermentation.

[2] "yogurt cultures" refers specifically to the two yogurt-defining bacterial cultures: *Lactobacillus delbrueckii* subsp. *bulgaricus* and *Streptococcus thermophilus*

[3] Note: In the case that a SKU is produced in multiple manufacturing plant locations, an application using test results for samples from a single manufacturing location is acceptable.

International Dairy Foods Association via email to LAC@idfa.org. Arrangements can be made for electronic payments.

E. Applications must be accompanied by the fee specified in Section II.

II. INITIAL APPLICATION FEE

A. IDFA Members that produce and/or distribute covered products, are entitled to an unlimited number of applications and renewals per 12-month period as a benefit of membership.

B. Any company that produces and/or distributes covered products and that is not a Member of IDFA may apply to use the Seal at a cost of $5,000 per application for each product line. For example, if a company wants to use the Seal on four different product lines, the total fee would be $20,000.

III. CONTENT OF APPLICATION

An application shall consist of the following:

A. A completed and signed Application Form (see Appendix C) for each type of product line on which the requestor intends to use the Seal.

B. The results of the analytical tests (conducted in accordance with the protocol set forth in Appendix A, including full reports of analytical procedures, signed worksheets, etc.) that establish the presence of live and active yogurt cultures in the product. The analytical tests must be conducted by an independent laboratory (that is, not affiliated with the company that is applying to use the Seal). A list of independent laboratories known to be experienced in conducting tests in accordance with the requisite protocols is found in Appendix B. Other laboratories may be equally qualified to perform the analytical work. Laboratories must have ISO/IEC 17025 Biological Accreditation for microbiological analysis in food, or be state or USDA-certified.

C. For Frozen Yogurt applications, the applicant must attest in writing to the fact that the product contains "yogurt" as defined in 21 C.F.R. 131.200 and per the definition of frozen yogurt[1] specified in this document. Additionally, the applicant must attest in writing that the yogurt, by itself, provides the final frozen yogurt product with at least 10^7 CFU per gram of *Lactobacillus delbrueckii* subsp. *bulgaricus* and *Streptococcus thermophilus*, combined, at the time of manufacture. These attestations are included as part of the Application Form in Appendix C.

D. A check payable to the International Dairy Foods Association for the appropriate fee, if a fee is required. (See Section II. of this document.)

IV. TEST PROTOCOLS

A. See Appendix A for specific protocols.

V. AWARD/DENIAL OF SEAL

A. Decisions regarding whether to award or deny use of the Seal shall be made by the IDFA Seal Program Committee, which consists of legal counsel and two other representatives from the staff of IDFA. The decision is based solely on whether: (1) the application submitted is complete; and (2) complies with the specified requirements for use of the Seal. The Committee, in its discretion, may ask the applicant for additional information.

B. The Seal Program Committee may consult with any relevant IDFA committees and the Yogurt and Cultured Products Segment Board, as necessary. If the product being reviewed involves an IDFA member, the member's representative(s) on the advising committee(s) or Segment Board is (are) not permitted to advise on that product.

C. Decisions on whether to award or deny use of the Seal should be made within 15 working days from the date a completed application is received. Applicants will be notified in writing promptly of the Seal Program Committee's decision.

VI. APPEALABILITY OF DECISION

A. If an applicant's request for use of the Seal is denied, the applicant may request a hearing before the Seal Program Committee. The hearing will be held within 20 working days from the date of the request, unless the applicant and the Seal Program Committee agree to extend the time period.

B. The hearing may be held virtually, if agreed to by the applicant.

C. The hearing is informal in nature. The applicant may present written or oral testimony and/or arguments and may be represented by counsel. A memorandum of the hearing will be made by the Seal Program Committee and provided to the applicant.

D. The Seal Program Committee will render a decision within five working days following a hearing. All decisions made by the Committee on appeal are final.

VII. ANNUAL RENEWAL/RECERTIFICATION

A. September 30 is the annual renewal deadline for all products utilizing the Seal. Applications or renewals received on or before this date during the same calendar year, that are subsequently approved, will be valid until September 30 of the following year.

B. Continued use of the Seal will be granted each year upon submission of a renewal application (see Appendix E) certifying that a material change (*e.g.*, change in cultures used or a significant change in manufacturing processes) has <u>not</u> occurred in the manufacture of the product or upon provision to the Seal Program Committee of current information that demonstrates that the product still conforms to the required criteria.

Where new information is provided, results of the analysis in accordance with Appendix A also must be submitted.

C. A material change in the product or its method of manufacture that reasonably could affect compliance with the requirements will cause the right to use the Seal to end immediately, unless a new application has been approved.

D. For non-Members, when a material change has occurred in a product, the renewal application must be accompanied by a non-refundable fee of $5,000 for that product. If there are no material changes in the product, the renewal fee is $2,500 for that product. IDFA Members are not subject to these fees and are entitled to an unlimited number of initial and/or renewal applications per 12-month period.

E. Tests conducted to determine eligibility for the Seal are valid for three years (unless testing is otherwise required under the Seal criteria). By September 30th of the third year, a company must submit, along with its the Renewal Application (Appendix E), test results performed within the previous six months demonstrating that the product, for which the renewal application is submitted, still meets IDFA Seal criteria.

F. It is the responsibility of any company that wishes to continue to use the Seal to ensure compliance with the renewal provisions under this section.

VIII. USE OF THE IDFA LAC SEAL

A. The Seal is available in various digital image file formats, which can be requested by email at LAC@idfa.org. The Seal and required asterisked statement appears as follows:

Meets International Dairy Foods Association Criteria for Live and Active Cultures

B. The acceptable minimum size is when the "L" in the "Live" of the logo equals 1/16th of an inch in height.

C. IDFA recommends that the logo be as close as possible to the bottom left-hand corner of the Principal Display Panel.

D. The asterisked statement should appear as close as possible to the logo, but it may appear anywhere on the label. If the Seal is used in other media or printed materials (*e.g.*, websites, advertising, coupons, etc.), the asterisked statement must appear in close proximity to the Seal such that it is easily located and associated with the Seal.

E. Color: For Seals on packages, IDFA recommends *Process Magenta* or *Process Blue* on packages with 4-color processing. On non-4-color processing, IDFA recommends the use of the darkest or most prominent color of the package graphics. On labeling, websites, and in advertising, any suitable color may be used.

F. Where a frozen yogurt mix is sold or distributed to retailers for preparation (freezing) and subsequent sale under the retailer's brand name, the Seal may be used and displayed in the retail store, on retailer websites, and in other retailer online social media platforms only if: (1) it is used solely in connection with Seal-approved yogurt; (2) the retailer notifies its Seal-holding yogurt supplier of its intent to use the Seal and obtains the Seal from such supplier; and (3) the retailer notifies IDFA of its intent to use the Seal and provides IDFA with the name of its Seal-holding yogurt supplier. Failure to comply with the above requirements is grounds for immediate termination of the retailer's right to use the Seal. The frozen yogurt Seal-holder shall inform its food brokers, distributors, and/or retailers of these requirements.

Retailers may submit written notification of their intent to use the Seal to LAC@idfa.org.

G. Use of the Seal whereby it could reasonably be associated with products to which the Seal has not been awarded is strictly prohibited.

APPENDICES

A. IDFA CRITERIA, SAMPLING AND ANALYTICAL PROCEDURES

B. LIST OF INDEPENDENT LABORATORIES

C. IDFA LIVE AND ACTIVE CULTURES SEAL APPLICATION

D. IDFA LABORATORY REPORT FORM

E. IDFA LAC SEAL RENEWAL FORM

APPENDIX A

CRITERIA FOR GRANTING THE LIVE AND ACTIVE CULTURE SEAL

Live and active culture yogurt is the food produced by culturing Grade "A" dairy ingredients with a characterizing bacterial culture in accordance with the standard of identity for yogurt (21 C.F.R. 131.200). The LAC Seal may also be granted for yogurt-based or dairy-based products that do not meet the FDA yogurt standard of identity as long as the product is produced through fermentation with the two defining yogurt cultures.[4] In addition to the use of the bacterial cultures required by the referenced federal standard of identity and by these IDFA criteria, products that qualify for use of the LAC Seal may contain other safe and suitable food grade bacterial cultures; however, the amounts and activity of these additional cultures are not intended to be represented by the LAC Seal. Declaration of the names of the specific cultures in the ingredients statement or elsewhere on the label of covered products is optional.

Any processing step applied to the product after fermentation that results in a reduction of *Lactobacillus delbrueckii* subsp. *bulgaricus* ("LB") and *Streptococcus thermophilus* ("ST") below the minimum concentrations required herein is not permitted. Likewise, manufacturers of covered products should undertake their best efforts to ensure that distribution practices, code dates, and handling instructions are conducive to the maintenance of live and active cultures.

In order to meet these IDFA criteria, covered products must satisfy each of these requirements:

1. Covered products must be fermented with both LB and ST.

2. For refrigerated products, the total viable count at the time of manufacture must be at least 10^8 CFU per gram. In the case of frozen yogurt and similar frozen products, the total viable count at the time of manufacture must be at least 10^7 CFU per gram.

3. For frozen yogurt, the applicant must attest in writing that the yogurt or fermented dairy component, by itself, contributes to the final frozen product at least 10^7 CFU per gram of *Lactobacillus delbrueckii* subsp. *bulgaricus* and *Streptococcus thermophilus*, combined, at the time of manufacture. This attestation is included as part of the new product application in Appendix C.

4. For all covered products other than yogurt that meets the U.S. Food and Drug Administration's standard of identity for yogurt, the cultures must be active at the end of the stated shelf-life as determined by the activity test described in the "Sampling and Analytical Procedures." Compliance with this requirement shall be determined by meeting the criteria for the activity test on the representative sample of *refrigerated* covered product that has been stored at temperatures between 32 °F and 45 °F for the entire stated shelf-life of the product. For *frozen* covered products, please see the section below on ***Special considerations for end of shelf-life testing.*** The activity criteria are met if there is at least an increase of 1 log CFU/mL (10-fold increase) during fermentation of the test sample aliquot.

[4] "Yogurt cultures" refers specifically to the two yogurt-defining bacterial cultures: *Lactobacillus delbrueckii* subsp. *bulgaricus* and *Streptococcus thermophilus*

SAMPLING AND ANALYTICAL PROCEDURES

The applicant should submit one sample representing a single line of product at the time of manufacture, plus one additional sample of the same product line (but may be another lot) that is at the end of the determined shelf-life date,[5] as appropriate, to a qualified laboratory to determine if the product has met the criteria. Laboratories must have ISO/IEC 17025 Biological Accreditation for microbiological analysis in food, or be state or USDA-certified. Consultation with the laboratory performing the analysis, prior to collection of samples, is recommended to determine the most appropriate sampling protocol, including sample size. The samples shall be analyzed according to the following procedures:

Refrigerated Covered Products

1. Total viable culture counts of the sample collected at the time of manufacture will be enumerated following the standard IDFA method.[6] The total viable count will be reported on the IDFA Laboratory Report Form (see Appendix D). The total viable count is the sum of colony forming units of *Streptococcus thermophilus* and *Lactobacillus delbrueckii* subsp*. bulgaricus* per gram of the product. Resulting counts should be reported in standard scientific notation (*e.g.*, 1.5×10^8 cfu/g).

2. *For covered products that do not meet the yogurt standard of identity:* At the end of the stated shelf-life designated by the applicant, activity of the cultures in the end of shelf-life sample will be reported on the IDFA Laboratory Report Form.

   The activity test is carried out by pasteurizing 12 % solids non-fat dry milk at 198 °F for seven minutes, cooling to 110 °F, adding 3 % inoculum of the material under test and fermenting at 110 °F for 4 hours. The total ST and LB microorganisms in the inoculated milk substrate are to be enumerated both before and after fermentation by the referenced ISO/IDF methodology.

   The activity test will be reported as the log increase of total ST and LB (CFU/g) following fermentation of the defined substrate under the standard condition at the end of the stated shelf life.

[5] The shelf-life date, whether appearing on the product label or not, shall be determined by the manufacturer according to standard company practice.

[6] ISO 7889/IDF 117 (2003): Yogurt—Enumeration of characteristic microorganisms—Colony-count technique at 37 °C

Frozen Yogurt

1. Total viable culture counts will be enumerated by the standard IDFA method (see footnote 5). The total viable count will be reported on the IDFA Laboratory Report Form (Appendix D). The total viable count is the sum of colony forming units of *Streptococcus thermophilus* and *Lactobacillus delbrueckii* subsp. *bulgaricus* per gram of the product.

2. At the end of the declared shelf-life designated by the applicant, the activity of the ST and LB will be reported for the sample on the Laboratory Report Form (Appendix D).

Special considerations for end of shelf-life testing:

Hard-packed frozen yogurt products shall have the end of shelf-life testing performed after a minimum of 30 days of frozen storage.

Soft-serve frozen yogurt mix that is distributed frozen and then thawed before re-freezing in a soft-serve machine, shall have end of shelf-life testing performed after a minimum of 30 days of frozen storage followed by thawing and holding of the product at refrigeration temperatures, according to the manufacturer's directions, for the duration of the manufacturer's declared shelf-life for the thawed product (typically 14-21 days).

The activity test is carried out by pasteurizing 12 % solids non-fat dry milk at 198 °F for 7 minutes, cooling to 110 °F, adding 3 % inoculum of the material under evaluation and fermenting at 110 °F for 4 hours. The total ST and LB microorganisms in the inoculated milk substrate are to be enumerated both before and after fermentation by the IDFA standard method.

The activity will be reported as the log increase of ST and LB microorganisms (CFU/g) following fermentation of the defined substrate under the standard conditions at the end of the stated shelf-life.

APPENDIX B

REPRESENTATIVE LIST OF LABRATORIES

(*The International Dairy Foods Association does not endorse any particular laboratories. The following laboratories are, however, believed to be qualified to perform the analyses required for the IDFA Seal Program.)

Analytical Food Laboratories, Inc.
860 Greenview Dr.
Grand Prairie, Texas 75050
Phone: 972-336-0336
Email: afl@tentamus.com
www.afltexas.com

Minnesota Valley Testing Laboratories, Inc.
1126 North Front Street, Building #2
New Ulm, MN 56073
Phone: 800 782 3557
Email: crc@mvtl.com
www.mvtl.com

The National Food Laboratory
13755 First Avenue North
Suite 500
Plymouth, MN 55441
Email: TheNFL@eurofinsUS.com
www.TheNFL.com

APPENDIX C

International Dairy Foods Association
Live and Active Cultures Seal Application

A separate application must be completed for each product line. For non-Members of IDFA, each application must be accompanied by a nonrefundable fee of $5000 per product line, payable to the International Dairy Foods Association.

Company: _____

Address: _____ **Phone:** _____
_____ **Fax:** _____
_____ **Email:** _____

Producer and/or distributor of an eligible product in the United States? Yes ☐ No ☐

Product: _____

Shelf life of product: _____

List other brands name(s) of product, if marketed under more than one name:

_____

Were the required analytical tests conducted in accordance with the protocols set forth in Appendix A of the IDFA Seal Program Procedures? Yes ☐ No ☐ **(Please attach test results.)**

Were the analytical tests conducted by an independent laboratory that has ISO/IEC 17025 Biological Accreditation for microbiological analysis in food, or is state or USDA-certified? Yes ☐ No ☐

Laboratory Contact Information:

Name/Contact: _____

Address: _____

All applications, attachments, test results, record of any action by the Seal Program Staff, renewal forms, etc. will be provided to any member of the public upon written request.

If IDFA approves the application, the company ("the licensee") agrees to hold IDFA ("the licensor") harmless; and to defend at licensee's expense, all actions arising out of the licensee's use of the IDFA Seal on a product that does not contain the levels of live and active cultures specified by licensor for use of the seal, provided that licensee fraudulently or negligently misrepresented the levels of live and active cultures in the product identified in this application or otherwise misrepresented any material fact. The licensee shall indemnify the licensor against all judgments, fines, amounts paid in settlement, and reasonable expenses including attorney's fees, as actually and necessarily incurred by licensor in connection with such action, suit, investigation or proceeding or in connection with any appeal therein.

By signing this application, you certify that the product was tested by the above-named laboratory and that the results of the test were in compliance with the guidelines set forth in Appendix A of the IDFA Seal Program Procedure. For frozen yogurt products, you attest that any frozen yogurt covered under this application contains "yogurt" as defined in 21 C.F.R. 131.200 that has not been heat-treated or dehydrated into a powderized form following fermentation, as specified in the LAC Seal Program Procedures and Guidelines. Additionally, the applicant affirms that the yogurt, through its addition to the frozen yogurt mix, provides the final frozen yogurt product with at least 10^7 CFU per gram of Lactobacillus delbrueckii subsp. bulgaricus and Streptococcus thermophilus, combined, at the time of manufacture.

Signature: _____ **Date:** _____

Name: _____ **Title:** _____

APPENDIX D

International Dairy Foods Association

LAC Seal Program Laboratory Report Form

A. CULTURE COUNTS

SAMPLE	TOTAL VIABLE CULTURE COUNT – FRESH SAMPLES (CFU/g) *Please use scientific notation.

B. ACTIVITY TEST FOR PRODUCTS OTHER THAN STANDARDIZED YOGURT (at end of code in CFU/g) ***Please use scientific notation.**

Before Fermentation: _____

After Fermentation: _____

Log Increase: _____

PRODUCT: _____

MANUFACTURER: _____

CERTIFICATION: I certify that the information presented in this report is correct and has been completed by my laboratory, which is independent of the company applying for the IDFA LAC Seal.

Laboratory Name/Address:

_____

Lab Manager (Print name): _____

Lab Manager Signature: _____

Date: _____

APPENDIX E

International Dairy Foods Association
Live and Active Cultures Seal Renewal Application

A separate renewal application must be completed for each product line. For non-Members of IDFA, each application must be accompanied by a nonrefundable fee of $2500 per product line payable to the International Dairy Foods Association.

Company: _____

Address: _____ **Phone:** _____
_____ **Email:** _____
_____

I certify that a material change has not occurred in the manufacture of the following products that affects or reasonably could affect compliance with IDFA Seal Program criteria:

_____
_____
_____
_____

Signature: _____ **Date:** _____

Name: _____ **Title:** _____